

REMARKS

Applicant has reviewed and considered the Office Action mailed on April 27, 2009. Claims 1, 5-10, and 21-30 are pending in the application.

Election-of-Species Requirement

The Office Action requires Applicant to elect a species for examination and to identify claims that encompass the elected species. The Office Action identifies as species the various fluid compositional devices disclosed in the specification. The Office Action further requires election of a subspecies in the event that Applicant elects a gas chromatograph as a species. The subspecies identified by the Office Action include (1) a device having no filtration means, and (2) a device having a filtration means. In the event of election of the subspecies having a filtration means, the Office Action requires election of another subspecies from the following: (1) a filtration means having a hydrophobic filter, and (2) a filtration means having a charcoal filter.

Applicant elects, with traverse, the species of fluid compositional device related to a gas chromatograph. Applicant further elects, with traverse, the subspecies of a device having a filtration means. Applicant further elects, with traverse, the subspecies of a device having a hydrophobic filter. The claims encompassing the elected species and sub-species are claims 1, 5, and 21-30. Claims 1, 5, 21, 22, 24-26 are generic to the subspecies related to filtration means because these claims read on (1) devices that include filtration means, and (2) devices that do not include filtration means. Applicant notes that none of the claims specifically require a hydrophobic filter or a charcoal filter, so all claims would encompass both of these subspecies and thus be generic to these subspecies.

Applicant traverses the election-of-species requirement on the grounds that the presence of the identified species and subspecies in the claims does not increase the examination and search burden for the examiner. With respect to the subspecies related to hydrophobic and charcoal filters, as noted previously, these elements are not specific limitations of any of the pending claims. With respect to the remaining species and subspecies, the elements related to these species and subspecies (e.g. gas

chromatograph, sensor array, and filtration means), were all previously included in claims that were examined by the Examiner without restriction. Based on the Examiner's prior searching performed in the present application with respect to these claim limitations, it would appear that the examination and search burden related to the identified species and subspecies would not be particularly onerous. Accordingly, Applicant respectfully requests that the election-of-species requirement be withdrawn.

CONCLUSION

If a Petition for Extension of Time under 37 C.F.R. 1.136(a) is required, the petition is herewith made. The Commissioner is authorized to charge any fees that may be required, or credit any overpayment made with this Office Action, to Deposit Account Number 19-3140.

In light of all the foregoing, believing that all things raised in the Office Action have been addressed, Applicant respectfully requests reconsideration of the prior rejections and objections, as well as allowance of the claims and passage of the application to issue. If the Examiner would care to discuss any remaining matters by phone, Applicant invites the Examiner to contact the undersigned at (214) 259-0900.

Date: 6/3/09

Respectfully submitted,



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